

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

TONY SMITH

PLAINTIFF

v.

No. 4:04CV107-P-A

MDOC, ET AL.

DEFENDANTS

ORDER

This matter comes before the court on the April 21, 2006, motion by the defendants Bearry, Touchstone, Santos, and Harmon to set aside the default entered against them in this court on April 18, 2006 – and for leave to file a responsive pleading. It appears that there was confusion regarding the former Mississippi agent for service of process for defendant Correctional Medical Services – and their new agent. As these defendants have now been served and have submitted an answer, the entry of default against them is hereby **SET ASIDE**. For the same reasons, the defendants’ pending motion for leave to file a responsive pleading is hereby **GRANTED**.

SO ORDERED, this the 5th day of May, 2006.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE